

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

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| Case No. | CV 22-5699 FMO (GJSx) | Date | September 28, 2022 |
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| Title | Sais Motor Freight Line, LLC v. Hanson Aggregates LLC, <u>et al.</u> |
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| Present: The Honorable | Fernando M. Olguin, United States District Judge |
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| Gabriela Garcia | None | |
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| Deputy Clerk | Court Reporter / Recorder | Tape No. |
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| Attorney Present for Plaintiff(s): | Attorney Present for Defendant(s): |
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| None Present | None Present |
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Proceedings: (In Chambers) Order to Show Cause Re: Remand

On July 12, 2022, plaintiff Sais Motor Freight Line, LLC ("plaintiff") filed a state court complaint against Hanson Aggregates LLC ("Hanson") and Recycled Base Materials, Inc. ("RBM") (collectively "defendants"), asserting state-law claims. (See Dkt. 1, Notice of Removal ("NOR") at ¶¶ 1-2); (id., Exh. A (Complaint)). On August 11, 2022, Hanson removed the action on the basis of diversity of citizenship pursuant to 28 U.S.C. § 1332. (See id. at ¶ 8). RBM consented to removal. (Id. at ¶ 25).

Plaintiff is a citizen of Delaware and Georgia, (Dkt. 1, NOR at ¶ 11), Hanson is a citizen of North Carolina, (id. at ¶ 12), and RBM is a citizen of California. (Id. at ¶ 13). Given RBM's citizenship, removal was improper. See 28 U.S.C. § 1441(b)(2) ("A civil action otherwise removable solely on the basis of the jurisdiction under section 1332(a) of this title may not be removed if any of the parties in interest properly joined and served as defendants is a citizen of the State in which such action is brought.").

Accordingly, IT IS ORDERED that no later than **October 5, 2022**, the parties shall show cause in writing why this case should not be remanded to state court. A stipulation to remand shall be a satisfactory response. **Failure to submit a response by the deadline set forth above shall be deemed as consent to remand of the action.**

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| Initials of Preparer | gga | | | |